

Remarks

Even though the first page of the Office Action indicates that claim 16 is pending, it is listed herein as withdrawn, as Applicant believes that is the status intended by the Examiner. Please inform Applicant's Agent if this belief is incorrect.

The Draftsman's objections to the drawings is noted. Corrected drawings will be provided upon receipt of a Notice of Allowance.

With respect to the rejection of claim 17 under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement, Applicant does not understand the basis of the rejection. The Examiner acknowledges that Applicant has deposited the necessary nucleotide sequences, and has done so under the Budapest Treaty. As such, Applicant has already made the necessary declarations cited by the Examiner. If further declaration of these facts is still deemed necessary, Applicant will comply.

Applicant respectfully traverses the rejection of claims 1-2 and 29-31 under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Applicant respectfully disagrees with the Examiner's assertions that he has not provided sufficient guidance to one of ordinary skill in the art to make and use the claimed invention in a manner reasonably correlated with the scope of the claims. All one of ordinary skill in the art need do is make a desired modification to the sequences disclosed in the specification that is within the scope of the pending claims, and test the PDE activity of the resultant protein. That is, if the resultant protein retains the ability to hydrolyse a cyclic nucleotide, it is still within the scope of the present claims. Applicant has provided a simple assay to test for this activity in the specification at page 78. Moreover, Applicant has provided input on which types of amino acid variants and derivatives might retain functionality. See, in particular, pages 36-37 of the specification.

Applicant respectfully traverses the rejection of claims 1-2 and 29-31 under 35 U.S.C. §112, first paragraph, as allegedly lacking written description. Applicant respectfully disagrees with the Examiner's assertions that Applicant has failed to convey possession of the invention as claimed. While it is correct that Applicant has not presented a listing of variant or homologous PDE_{XIV} sequences, such is not necessary. Those of skill in the art readily understand which variants are likely to retain PDE activity, and can easily and quickly test for that activity as described above. Since the possession of these variants is so readily apparent and understood by those skilled in the

art, it is not required for Applicant to enumerate them in order to show possession of the invention under the written description requirement.

Applicant respectfully traverses the rejection of claim 1-2 and 17 under 37 CFR §1.75(c) as allegedly being of improper dependent form. This rejection has been rendered moot by the amendment of claim 36 herewith such that it is now independent of claim 35.

Applicant respectfully traverses the rejection of claims 1-2 and 17 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. It is respectfully submitted that this rejection has been rendered moot in part by the amendments to claims 1 and 2. Claims 1 and 2 now require that the claimed amino acid sequences include SEQ ID NO:1, SEQ ID NO:3, or SEQ ID NO:5 (or a variant, homologue, fragment or derivative thereof, of course). As such, the claims are clearly not indefinite. With respect to claim 17, Applicants fails to understand the rejection. While Applicant has elected the species of SEQ ID NO:5 for prosecution, it is not required that Applicant limit his claims to this species, and as such it is not necessary to limit claim 17 to only one of the three deposits.

Applicant respectfully traverses the rejection of claims 1-2 and 17 under 35 U.S.C. §101. It is respectfully submitted that this rejection has been rendered moot by the amendments to claims 1, 2, and 17 presented herewith, requiring that such amino acid sequences be "isolated".

Applicant respectfully disputes the Examiner's determination of priority. It has been established that deposit of micro-organisms containing sequences can provide priority and support for claims in an application. As such, the deposited micro-organisms provide Applicant's claims with the necessary support, irrespective of the sequence information provided in the specification. As such, the present claims should be deemed to enjoy the full priority date of December 23, 1998.

Applicant respectfully traverses the rejection of claims 1-2 under 35 U.S.C. §102(b) as allegedly being anticipated by purified amino acid kits. It is respectfully submitted that this rejection has been rendered moot by the amendments to claims 1-2 submitted herewith.

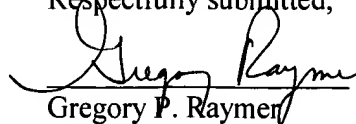
Applicant respectfully traverses the rejection of claims 1-2, 29-30, and 36 under 35 U.S.C. §102(e) as allegedly being anticipated by Robision. It is respectfully submitted that this rejection is improper as Robision is not prior art to the present

claims, which properly do enjoy a priority date of December 23, 1998, as discussed above.

A Notice of Allowance is courteously solicited.

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Respectfully submitted,



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